

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY,	§	
HONORABLE DERRECK ROSE,	§	
HONORABLE MICHAEL MONTEZ,	§	
HONORABLE PENNY POPE,	§	
HONORABLE SONNY JAMES,	§	
HONORABLE STEPHEN HOLMES,	§	
HONORABLE PATRICK DOYLE, and	§	
ROOSEVELT HENDERSON,	§	
	§	Civil Action No. 3:11-cv-511
Plaintiffs,	§	
	§	
vs.	§	
	§	
GALVESTON COUNTY, and THE	§	
HONORABLE MARK HENRY, in his	§	
Capacity as Galveston County Judge	§	
	§	
Defendants.	§	

**AGREED MOTION TO AMEND JUDGMENT**

TO THE HONORABLE COURT:

Now comes Plaintiffs, Defendants and Intervenor and jointly move the Court under Fed R. Civ. P. 60(b)(6) to amend the Court's Order of March 23, 2012 (DKT #69) and its grounds will show the Court as follows:

1. The parties agreed to entry of this Court's Order on March 23, 2012. Within that Order, the parties contemplated that Galveston County would alter voting district precinct lines in time for the November 2012 General Election, but maintained the current voting precinct lines for the Primary Elections held on May 31, 2012.

2. Runoff elections were required both of the Democrat and Republican primaries, necessitating that Galveston County assist with runoff elections for each of the political parties on July 31, 2012.
3. Based upon the March 23, 2012 Order, Galveston County has approximately 35 split precincts in which an individual voting precinct has parts of more than one representative district. The county is required, under Texas state law, to draw precinct lines in a manner in which voting precincts are not split between multiple representative districts. TEX ELEC. CODE § 42.001, et seq.
4. Given that voters in Galveston County voted in their 2010 designated precincts for the 2012 Party Primary Elections, there is concern that voter confusion may occur with a sudden shift in voting precincts for the upcoming November 2012 General Elections. In fact, the Galveston County Clerk, Cheryl Johnson, has explained that voter confusion is highly likely, particularly among minority voters, were the County to undertake to implement new voting precincts for the November 2012 General Election.
5. The parties jointly have considered the solution to this situation and have agreed that the county may maintain its current voting district precincts for the November 2012 General Election without harm to the voters or anyone's right to vote and limit the amount of voter confusion, particularly among minority voters.
6. Galveston County, both in early voting and on Election Day, maintains each voting location as a "super precinct." A super precinct is a voting location in which any resident of the county may vote. Because of the computerized voting process, a voter can correctly vote a ballot for all candidates for whom they may

be represented even though the precinct lines have not been redrawn to resolve the split precincts.

7. There is no other method by which this issue can be resolved absent the adoption of the agreed order which simply allows for the utilization of the current precincts for the general election November 2012.
8. The Commissioners Court unanimously voted to authorize this Motion.

WHEREFORE, premises considered, the parties jointly request the Court grant this motion and enter the attached order.

Respectfully Submitted,

**BEIRNE, MAYNARD & PARSONS, L.L.P.**

/s/ Joseph M. Nixon  
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**ATTORNEYS FOR GALVESTON COUNTY AND  
THE HONORABLE MARK HENRY**

**CERTIFICATE OF CONFERENCE**

Counsel for all of the parties have been contacted regarding this motion and all have consented.

/s/ Joseph M. Nixon

Joseph M. Nixon

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of August, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

/s/ Joseph M. Nixon

Joseph M. Nixon